

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Donna L. Rayfield,

Plaintiff,

vs.

Jo Anne B. Barnhart, Commissioner of  
Social Security,

Defendant.

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C/A No.: 8:06-0133-MBS

**OPINION AND ORDER**

Plaintiff Donna L. Rayfield filed an application for disability insurance benefits on February 7, 2001 alleging disability commencing October 24, 2000 because of asthma. The application was denied initially and upon reconsideration. Plaintiff requested a hearing before an administrative law judge (“ALJ”). The ALJ held a hearing on November 12, 2002. On January 30, 2003, the ALJ issued a decision that Plaintiff was not entitled to a period of disability and disability insurance benefits under sections 216(i) and 223, respectively, of the Social Security Act. The decision of the ALJ became the “final decision” of the Commissioner on February 27, 2004, after the Appeals Council determined that there was no basis for granting Plaintiff’s request for review. Plaintiff thereafter brought the within action pursuant to 42 U.S.C. § 405(g), seeking judicial review of the “final decision” of the Commissioner.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bruce H. Hendricks for a Report and Recommendation. On December 21, 2006, the Magistrate Judge filed a Report and Recommendation in which she determined that the findings of the ALJ were supported by substantial evidence. Accordingly, the Magistrate Judge recommended that the decision of the Commissioner be affirmed. No party filed objections to the Report and Recommendation.

The court is charged with making a *de novo* determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and the record in this case, the court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly,

It is ORDERED that the Commissioner's decision be **affirmed**.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
United States District Judge

Columbia, South Carolina

January 17, 2007